

[DISCUSSION DRAFT]

109TH CONGRESS
1ST SESSION

H. R. _____

To prohibit registered lobbyists from making gifts to Members of Congress and to congressional employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit registered lobbyists from making gifts to Members of Congress and to congressional employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lobby Gift Ban Act
5 of 2005”.

1 **SEC. 2. PROHIBITION ON GIFTS BY REGISTERED LOBBY-**
2 **ISTS TO MEMBERS OF CONGRESS AND TO**
3 **CONGRESSIONAL EMPLOYEES.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—A registered lobbyist may
6 not knowingly make a gift to a Member, Delegate,
7 Resident Commissioner, officer, or employee of Con-
8 gress except as provided in this section.

9 (2) GIFT DEFINED.—In this section, the term
10 “gift” means a gratuity, favor, discount, entertain-
11 ment, hospitality, loan, forbearance, or other item
12 having monetary value. The term includes gifts of
13 services, training, transportation, lodging, and
14 meals, whether provided in kind, by purchase of a
15 ticket, payment in advance, or reimbursement after
16 the expense has been incurred.

17 (3) REGISTERED LOBBYIST DEFINED.—In this
18 section, the term “registered lobbyist” means—

19 (A) a lobbyist registered under the Lob-
20 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
21 seq.);

22 (B) a lobbyist who, as an employee of an
23 organization, is covered by the registration of
24 that organization under that Act; or

25 (C) an organization registered under that
26 Act.

1 (4) GIFTS TO FAMILY MEMBERS AND OTHER
2 INDIVIDUALS.—For the purposes of this section, a
3 gift to a family member of a Member, Delegate,
4 Resident Commissioner, officer, or employee of Con-
5 gress, or a gift to any other individual based on that
6 individual's relationship with the Member, Delegate,
7 Resident Commissioner, officer, or employee, shall
8 be considered a gift to the Member, Delegate, Resi-
9 dent Commissioner, officer, or employee if the gift
10 was given because of the official position of the
11 Member, Delegate, Resident Commissioner, officer,
12 or employee.

13 (5) EXCEPTIONS.—The restrictions in para-
14 graph (1) do not apply to the following:

15 (A) CERTAIN LAWFUL POLITICAL FUND-
16 RAISING ACTIVITIES.—A contribution, as de-
17 fined in section 301(8) of the Federal Election
18 Campaign Act of 1971 (2 U.S.C. 431) that is
19 lawfully made under that Act, a lawful con-
20 tribution for election to a State or local govern-
21 ment office, or attendance at a fundraising
22 event sponsored by a political organization de-
23 scribed in section 527(e) of the Internal Rev-
24 enue Code of 1986.

1 (B) GIFT FROM A RELATIVE.—A gift from
2 a relative as described in section 109(16) of
3 title I of the Ethics in Government Act of 1978
4 (2 U.S.C. App. 109(16)).

5 (C) EMPLOYEE BENEFITS.—Pension and
6 other benefits resulting from continued partici-
7 pation in an employee welfare and benefits plan
8 maintained by a former employer.

9 (D) INFORMATIONAL MATERIALS.—Infor-
10 mational materials that are sent to the office of
11 the Member, Delegate, Resident Commissioner,
12 officer, or employee in the form of books, arti-
13 cles, periodicals, other written materials, audio-
14 tapes, videotapes, or other forms of communica-
15 tion.

16 (E) ITEMS OF NOMINAL VALUE.—An item
17 of nominal value such as a greeting card, base-
18 ball cap, or a T-shirt.

19 (F) PERSONAL FRIENDSHIP.—

20 (i) IN GENERAL.—Anything provided
21 by an individual on the basis of a personal
22 friendship unless the gift was given be-
23 cause of the official position of the Mem-
24 ber, Delegate, Resident Commissioner, offi-
25 cer, or employee.

1 (ii) CIRCUMSTANCES.—In determining
2 whether a gift is provided on the basis of
3 personal friendship, the following cir-
4 cumstances shall be considered:

5 (I) The history of the relation-
6 ship between the Member, Delegate,
7 Resident Commissioner, officer, or
8 employee and the individual giving the
9 gift, including any previous exchange
10 of gifts between them.

11 (II) Whether the individual who
12 gave the gift personally paid for the
13 gift or sought a tax deduction or busi-
14 ness reimbursement for the gift.

15 (III) Whether the individual who
16 gave the gift also gave the same or
17 similar gifts to other Members, Dele-
18 gates, the Resident Commissioners,
19 officers, or employees of Congress.

20 (G) CERTAIN OUTSIDE BUSINESS OR EM-
21 PLOYMENT ACTIVITIES PROVIDED TO
22 SPOUSE.—Food, refreshments, lodging, trans-
23 portation, and other benefits provided to the
24 spouse of the Member, Delegate, Resident Com-
25 missioner, officer, or employee, resulting from

1 the outside business or employment activities of
2 the spouse or in connection with bona fide em-
3 ployment discussions with respect to the spouse,
4 if such benefits have not been offered or en-
5 hanced because of the official position of the
6 Member, Delegate, Resident Commissioner, offi-
7 cer, or employee and are customarily provided
8 to others in similar circumstances.

9 (H) OPPORTUNITIES AND BENEFITS UN-
10 RELATED TO CONGRESSIONAL EMPLOYMENT.—
11 Opportunities and benefits that are offered to
12 members of a group or class in which member-
13 ship is unrelated to congressional employment.

14 (I) CERTAIN FOODS OR REFRESHMENTS.—
15 Food or refreshments of a nominal value of-
16 fered other than as a part of a meal.

17 (b) PENALTY.—Any registered lobbyist who violates
18 this section shall be subject to a civil fine of not more
19 than \$50,000, depending on the extent and gravity of the
20 violation.

21 **SEC. 3. PROHIBITION ON MEMBERS ACCEPTING GIFTS**
22 **FROM LOBBYISTS.**

23 Clause 5(a)(1)(A) of rule XXV of the Rules of the
24 House of Representatives is amended by adding at the end
25 the following new sentence: “Notwithstanding any other

1 provision of this clause, in no event may a Member, Dele-
2 gate, or Resident Commissioner accept a gift from a reg-
3 istered lobbyist prohibited by section 2 of the Lobby Gift
4 Ban Act of 2005.”.